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Part One

Ministry of Justice

THE STATUS OF WOMEN OR THE PROTECTION OF WOMEN'S RIGHTS IN SENEGAL

Since time immemorial - without necessarily going back as far as Adam and Eve - woman has always been seen at the side of man. Civilized society, as it developed, accepted this factual state of affairs, whose meaning, for believers, was that man and woman were God's representatives on Earth. For others, it was nature that had arranged things in this manner.

However, depending on the way the first men came to regard women, two opposing concepts emerged concerning the place and role of women at man's side. These are, on the one hand, the concept of "woman as a companion to man" and, on the other, the concept of "woman as complement to man".

According to the concept of "woman as companion", the female sex, as far as the man is concerned, is an instrument which he uses for procreation of the species and the creation of the material goods necessary for his and the woman's life together. For those who take this view, the woman has no rights; she merely undergoes whatever fate the man may hold in store for her.

According to the concept of "woman as complement to man", the woman is indispensable in the man's life, and indeed he would represent nothing in her absence. In the view of those who take this position, the woman enjoys rights similar to those of the man, without, however, being his equal in certain situations that flow from their life together.

With the appearance of religion, a rift was created, separating these two views. Nevertheless, it was the concept of "woman as companion" that was embraced by the two principal revealed religions.

Thus, the Christian religion espoused a position in support of this concept by instituting the authority of the husband, the indissolubility of marriage, and the notion of the weakness of the female.

Islam also adopted this concept as its rule by introducing the institution of the dowry as a condition for the marriage of the woman, by regarding a woman as one half of a man when dividing an inheritance, and by legalizing the right of repudiation, which is a procedure permitting the man to act alone in the initiative and decision to divorce his wife.

The regulation of social life under positive law ran exactly parallel to this evolution in the status of women, which remained inferior to that of men.

In French law, for example, the civil code recognized the authority of the husband over his wife and decreed a total lack of legal capacity on the part of the woman as well as the principle of the immutability of marriage.

In Africa, and more specifically in Senegal, the status of women evolved under the two-fold pressure exerted by the penetration of the Muslim and colonial religions, which encountered on their arrival a traditional customary law that curiously enough also shared this concept of female inferiority.

The conjunction of these factors was not to the advantage of women, who found themselves caught between the different consequences of the evolving Islamic and colonial societies.

For a long time, the woman remained the slave of the man in a situation that was to have unfortunate repercussions on her legal and social status. It was in this way that the institution of repudiation was legalized in all the laws and customs that governed marriage, and that the authority of the husband was transformed into a kind of feudal domination of his wife, whom custom regarded as one half of a man for the purpose of dividing an inheritance and who continued to lack "capacity" for both the exercise and the enjoyment of rights.

There are two other humiliating aspects that Senegalese women are not prepared to forget, namely, the tradition of forced marriages, which deprive them of any right of consent to the conjugal union, and the abnormally high dowry, which for all practical purposes represented a purchase price for the woman.

These two situations also derived, on the one hand, from the requirements of the forced labour imposed by the colonial power for the purpose of creating a taste for work among the Africans. In performing this forced labour, a father unable to meet his civil obligations vis-à-vis the colonial authorities had practically no choice but to sell his daughter to the highest bidder in order to obtain goods and free himself of his debt. On the other hand, the same two practices also arose out of the very concept that Africans held of women - namely, an instrument the man had to acquire for the birth of children and the creation of material goods - according to which a daughter's departure from the family required compensation in the form of goods of equivalent value.

In the course of time, this situation became so bad that the colonial lawmaker was moved and reacted by enacting a law known as the Mandel Decree, the effect of which was to prohibit forced marriages and establish a fixed rate for the dowry of Senegalese women.

It was, however, thanks to the impact of the two conflicts the world experienced in 1914 and 1945 that the status of women began to change in a more favourable direction. In France, for example, the departure of the men for the war-fronts obliged the public authorities to intervene for the purpose of establishing the legal capacity of women. The last law enacted to this effect was passed in 1942 and conferred on women the same rights as those enjoyed by men. This marked an important turning point in the evolution of the status of women in that country.

In Senegal, on the other hand, the birth of women's rights had to await the end of the Second World War. Thus it was that after having been recognized, alongside men, as citizens of the French Republic in 1946, women were able to perform a very important role in the socio-professional and socio-political movements that were authorized during that same period.

The principal objective of these movements, it will be remembered, was to lead the former French territories to independence. Participating in these struggles as front-line soldiers, women regarded their involvement as a way of throwing off a double yoke - colonial and marital.

Once independence had been won in a bloodless struggle through the sustained efforts of the entire people, with no distinction as to sex, the first constituted authorities did not overlook the role of women in this victory and demonstrated their gratitude in the first laws enacted by the emerging State.

Thus, immediately following Senegal's acquisition of international sovereignty, the authorities included among their highest-priority tasks the formulation of a coherent policy with regard to women, drawing its inspiration from the ideals of liberation, emancipation and equality of the sexes.

In the Constitution, which is the fundamental law underlying the country's public institutions, the framers did not limit themselves to a mere reference to this desire to arrive at equality between men and women, in the way frequently found in preambular statements, but wrote this principle into the very body of the law, specifically in article 7, which states: "All people are equal before the law. Men and women are legally equal. In Senegal there shall be no consideration or privilege by reason of place of birth, person or family".

This intention that men and women should be treated on a basis of equality as defined by the Constitution was later concretely reflected in subsequent Senegalese legislative and regulatory enactments. Among these, mention may be made of the Family Code, the Social Security Code, and the general statutes regarding the civil service and the organization and composition of the public institutions. This same intention has also been expressed at the international level in the Republic of Senegal's relations with other international institutions.

After having solemnly proclaimed its attachment to such fundamental rights as those set forth in the Declaration of the Rights of Man of 1789 and the Universal Declaration of Human Rights of 10 December 1948, the Republic of Senegal has ratified and acceded to all international conventions specifically regarding the rights of women. These include:

- The Convention for the Suppression of the Traffic in Women of Full Age, signed in Geneva on 11 October 1933;

- The international arrangements designed to provide effective protection against the criminal traffic known under the name of white slavery, signed in Paris on 18 May 1904 and amended in New York on 4 May 1949;

- The International Covenant on Economic, Social and Cultural Rights, adopted by the United Nations on 16 December 1966;

- The International Covenant on Civil and Political Rights, adopted by the United Nations on 16 December 1966;

- The International Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations on 16 December 1966.

It is in compliance with article 18 of the last-named Convention that the Republic of Senegal has prepared the present report, which discusses not only the legislative, judicial, administrative and other measures which that country has introduced in order to implement the provisions of the Convention, but also the progress that has been achieved in that connection.

In all cases, as part of its reappraisal of the concept of woman as the man's indispensable complement, the Republic of Senegal has aligned itself with the logical historical evolution in the status of women, recognizing that the latter must enjoy absolute equality with men in rights as in duties.

Our approach in this report will be to consider each of the rights proclaimed in the Convention and to compare it with the laws in effect in Senegal in order to identify the scope of the Government's efforts with regard to the status of women in our country.

ARTICLE 1. DEFINITION OF THE NOTION OF DISCRIMINATION AGAINST WOMEN

The Republic of Senegal has not yet incorporated into its national legislation the definition of discrimination against women given in the Convention. It will, however, soon do so, as it did in the case of the definition proposed in the Convention on the Elimination of All Forms of Racial Discrimination with the enactment of Law No. 81-77 of 10 December 1977, which amended the Penal Code in that respect.

In any event, an attentive reading of article 7 of the Constitution, referred to above, will show that the incorporation of this definition into Senegalese legislation will entail no problems, since the fundamental law has, without entering into details, already laid down a definition of discrimination against women that is in line with the present Convention.

Accordingly, in the initiatives described below, it will be possible to gauge the full range of efforts undertaken by the public authorities to adhere to this definition to the greatest possible extent and, in so doing, to move effectively against any discriminatory actions falling under this definition.

This is to establish in advance that the Republic of Senegal is in total accord with the definition proposed by the Convention, which it finds to be in full agreement with its own aspirations as well as those of the international community in the struggle to ensure an unmistakable equality between men and women at all levels.

ARTICLE 2. NON-DISCRIMINATION AGAINST WOMEN WITH A VIEW TO EQUALITY WITH MEN

It should be recalled at this point that, upon gaining its international sovereignty, the Republic of Senegal quickly proclaimed its attachment to the ideals enshrined in the Declaration of the Rights of Man and of the Citizen of 1789 and in the Universal Declaration of Human Rights of 1948, both of which condemn all forms of discrimination, whatever their origin or purpose.

It is for this reason that in article 1 of the Constitution, in describing the secular, democratic and social nature of the Republic, the public authorities immediately established the principle of the equality of all citizens before the law without distinction of any kind.

The framers returned to this question in article 4, which condemns any act of discrimination, whatever its origin or purpose, and provides for its severe punishment under the law.

Finally, article 7, already mentioned, reinforces this determination with regard to the specific question of discrimination against women.

Accordingly, the requirements of subparagraph (a) of article 2 have been met, since the fundamental law deals at three levels with this problem of discrimination in general and as exercised against women in particular.

With regard to the measures to be taken to ensure the effective application of these constitutional provisions, the exact nature of these measures, which are essentially legislative and regulatory in character, will become clear in the course of the discussion that follows.

With resepct to subparagraph (b) of this article, its requirements are satisfied if only by the fact that in the case of a violation of the constitutional principle calling for total equality between men and women, the normal sanction is the annulment of the act in question, whether it be legislative, regulatory or private. Senegalese courts spare no effort to ensure that everyone respects the provisions of the Constitution.

This represents a duty on the part of the judges who preside over these courts, since article 80, paragraph 2, of the national Constitution stipulates that, in the exercise of their functions, judges are subject only to the authority of the law, while article 81 confers on them the mission of safeguarding the rights and liberties defined in that same document.

This effective protection of women against any discriminatory act, as called for in subparagraph (c) of article 2 of the Convention, is a tangible reality in Senegal, where judges regard it as an essential element of their official duties. The fact is that no distinction is made between the rights of men and women before the country's courts, whose protection can be invoked by any individual, regardless of sex, provided that the complaint lodged concerns a violation of one of his or her fundamental rights.

The institutions and public authorities of Senegal have undertaken the obligation contained in subparagraph (d) of this article to the effect that they shall not give rise to any discriminatory act or practice against women. This undertaking can be verified at all levels whether in the public area or in the course of private contacts with individuals who deal with these authorities or public institutions.

The same is true of the obligations set forth in subparagraph (e) regarding private physical or juristic persons, all of whom are called upon to act in conformity with the constitutional provisions aimed at putting an end to discrimination against women.

With regard to subparagraph (f), which seeks the abolition or modification of any legislative, regulatory or customary provision that is discriminatory against women, the Republic of Senegal has moved in this direction ever since the country won its national independence. For example, at an early stage, under Law No. 60-56 of 14 November 1960, the legislator ruled that a person's civil status could be governed by customary law and that in the event of a conflict of customs in matters concerning the wife in cases involving marriage or divorce, it was to be the woman's customary law that would prevail (article 16). The fact is that previously, as a consequence of the inferior status of women, it was the husband's customary law that was to be applied, whatever the case.

Subsequently, with the introduction of the Family Code, the lawmaker decided to abolish the application of all customary provisions to disputes involving the civil status of persons in Senegal.

Finally, on the question of penal provisions constituting discrimination against women, as discussed in subparagraph (g) of article 2, it should be noted that under Senegalese law the Penal Code and all criminal law provisions concerning

women are designed to protect their rights. This is the case, for example, of article 300 of the Penal Code, which makes it a crime to consummate a marriage celebrated according to the customary rite by performing the sexual act with a child of less than 13 years of age, and which punishes this offence with a period of from two to five years' imprisonment. This is also true of abortion carried out on a woman, whether or not she has consented. Finally, another example of this protection can be seen in the case of rape, which is a crime severely punished under Senegalese law.

Summarizing the provisions of article 2 of the Convention, it can be stated that the Republic of Senegal faces no problems in applying them, for even if the definition as given in the Convention has not yet been incorporated into the national legislation, it already figures conspicuously in the fundamental law of the land.

ARTICLE 3. WAYS AND MEANS OF ENSURING AND GUARANTEEING EQUALITY BETWEEN MEN AND WOMEN

Our intention in selecting this wording with reference to article 3 of the Convention is to encompass all the measures alluded to in the text for ensuring the full development of women through the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

We shall begin by recalling the provisions of articles 1, 4 and 7 of the Senegalese Constitution, which are expressly aimed at the elimination of all forms of sex-based discrimination.

With regard more precisely to the ways and means required under article 3 of the Convention, and before entering into details, we should mention first of all the equality of men and women in the exercise of the right to vote, as guaranteed under article 2, paragraph 4, of the Constitution.

Further, article 3 of the Constitution forbids the political parties to identify themselves with a particular sex.

There is, in addition, the undertaking on the part of the State, under article 14, to protect the family and marriage, and, under article 15, the natural right of parents to raise their children with the assistance of the State and the public agencies.

Finally, there is the fact that every time the Constitution refers to a fundamental right of the human person, it uses the term "person" or "citizen". This reflects the will of the public authorities to ensure and guarantee the development of men and women in Senegal on a basis of equality.

This resolve on the part of the lawmaker is found in all the legislative and regulatory enactments dealing with the fundamental rights of the human person in connection with his or her development in the economic, social, cultural, political or any other sense. The establishment, in 1978, of the Ministry for the Status of Women, which was subsequently, in 1983, to become the Ministry of Social Development, and the institution of Women's Day in Senegal are eloquent illustrations of this determination to ensure the full development of women and their advancement in all areas of social life.

There is no doubt that all of these specific measures that have been adopted by the Senegalese authorities will lead to the guarantee of the exercise and enjoyment of fundamental rights and freedoms by women on a basis of equality with men.

ARTICLE 4. RIGHTS OF VULNERABLE GROUPS AND THE ADOPTION OF SPECIAL AND TEMPORARY MEASURES

The adoption of temporary special measures aimed at accelerating de facto equality between men and women is based on the consideration of women as a vulnerable group requiring special attention by the political authorities. However, as we have noted above, in the eyes of the Senegalese lawmaker women are an integral part of the society, with rights and duties equal to those of men. They do not constitute a minority of persons or a group of individuals outside the mainstream of Senegalese civil society.

For this reason, Senegalese legislators have not wished to adopt special or temporary measures to accelerate some sort of equality between men and women, but have preferred concrete and permanent measures in conformity with the requirements of the legal instruments drawn up by the international community on the subject of human rights, which are also women's rights.

An example of this attitude can be seen in the decision to change the name of the Ministry for the Status of Women to that of Social Development, whereas the basic mission of this department continues to be the search for ways and means to ensure the balanced development of the man and of his indispensable complement, who happens to be the woman.

The protection of maternity in Senegal is not a temporary measure, but a permanent one that is part of the fundamental rights of men and women, who are together responsible for human reproduction.

ARTICLE 5. MODIFICATION OF THE SOCIAL AND CULTURAL PATTERNS OF CONDUCT OF MEN AND WOMEN

The idea of achieving this modification in the behavioural patterns of men and women takes us back to the analysis, offered in the introduction to this report, of the two concepts that men hold regarding the role and place of women in society, namely, the concept of "woman as companion" and the concept of "woman as complement to man".

We have already pointed out that the first concept has prevailed to some degree throughout the world and particularly in Senegal, where the impact of revealed religion and colonization contributed to strengthening it.

There is also the question of custom, which, as the repetition of traditional practices, acquires a mandatory character for those who observe it. In Senegal, custom has played a central role in the evolution of men and women for the reason that they believe in it and have remained attached to it.

Custom has proved to be an effective instrument on which religion has relied in its efforts to mould the men and women of this country. Thus, it is not unusual to find mention made in various acts of civil life (marriage, the division of inheritances, etc.) of Islamicized Wolof custom or Islamicized Serer custom or of Christianized Diola custom, and the like.

Following their arrival in Senegal, the colonialists first attacked those customs which they wished to see disappear thanks to the assimilation policy they were pursuing. However, faced with resistance in this area, the colonial power ultimately adopted these same customs, which it too then used as an instrument for the implementation of its integrationist policy.

It has been pointed out above that the first authorities of the Senegalese State followed the same approach by initially accepting custom as a mode of social development. However, following the enactment of the Family Code, the State has spoken out clearly for the abolition of specific customs in article 830 et seq. on the grounds that they have been superceded by the law, which, as the expression of the people's will, is philosophically rooted in the struggle to arrive at perfect equality between men and women.

The effect of custom in Senegal was to give rise to male behavioural patterns that without exception were based on the idea of the inferiority of women, referred to as the "weaker sex". For example, according to custom women were to receive a basic education grounded on this concept of inferiority; further, when serving any man at all a drink, they were to do so on their knees, and if involved in a violent altercation with their husband, they were not to defend themselves.

There is no doubt that, thanks to the systematic application of the law in social relations, that much-desired equality between men and women will ultimately be achieved.

On the subject of family education, the Senegalese public authorities may be said to be deeply committed on this point, aware as they are that the population has need of such education. In effect, returning again to the question of custom, it was custom that led to the belief that maternity was a kind of forced labour by women which a man bought at a very high bride price with a view to ensuring the birth of offspring and thus compensation for the goods invested.

For two decades, Senegalese legislation, beginning with the Constitution and extending through the laws regarding family relations, has been working to eradicate this mentality and to replace it with an understanding of maternity as a social function on the part of the woman, who is fully free to decide and plan when her children are to be born.

National legislation has established the principle of the joint responsibility of the man and woman in their right to raise their children, obviously in the interest of the latter.

It is clear that the rigorous application of this legislation as currently pursued by the public authorities will, in the very near future, lead to that much-desired modification of the socio-cultural behaviour of men and women so as to eliminate once and for all the prejudices and practices rooted in custom and based on the notion of female inferiority and male superiority.

Finally, it should be noted that the Ministry of Social Development, operating through its women's affairs and family welfare departments, is also working tirelessly towards this same end in the form of concrete on-the-spot activities, i.e., directly with families and through media programmes designed to generate an awareness on the part of all concerned regarding their need to break with ancestral and customary practices that regard women as an instrument or a means of production for men to exploit as they see fit.

ARTICLE 6. SLAVERY, FORCED LABOUR, TRAFFIC IN WOMEN

Slavery is an unknown phenomenon in Senegal, which condemns it in all its forms. This explains why, since gaining international sovereignty, the Republic of Senegal has become a party to all the international instruments dealing with this subject, namely:

- The Slavery Convention, signed in Geneva on 25 September 1926;

- The international arrangements designed to ensure effective protection against the criminal traffic known as white slavery, signed in Paris on 18 May 1904;

- The Convention for the Suppression of Traffic in Women of Full Age, signed in Geneva on 11 October 1933;

- The Supplemental Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, signed in Geneva on 7 September 1956;

- The International Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, approved by the United Nations General Assembly on 2 December 1949;

- The International Convention against the Taking of Hostages, adopted by the United Nations General Assembly on 17 December 1979.

Internally, the slavery prohibition principle is established in the fundamental law, which in article 7, second paragraph, states that "In Senegal there shall be no consideration or privilege by reason of place of birth, person or family".

This principle has been taken up in the Penal Code, which in its articles 334 to 337 imposes severe penalties on all actions whose purpose or effect is to jeopardize personal freedom in an arbitrary fashion. The punishments provided are forced labour for life or for periods of from 10 to 20 years for:

- Anyone who, acting without an order issued by the constituted authorities and outside of those cases in which the law has ordered the seizure of individuals against whom charges have been brought, arrests, detains or abducts any person;

- Anyone who lends the use of a place for the purpose of detention or abduction;

- Anyone who enters into an agreement aimed at depriving a third party of his or her freedom whether gratuitously or in exchange for a consideration;

- Anyone who turns over or receives a person as surety, for whatever reason.

The Penal Code provides for capital punishment when the person seized, detained or abducted is used as a hostage for the purpose of demanding ransom or ensuring the impunity of the perpetrators.

Regarding the exploitation of the prostitution of women, the Senegalese Penal Code designates this practice as procuring, and articles 323, 324 and 326, paragraph 3, reproduced below, indicate the severity with which the authorities intend to suppress this offence.

Article 323. "That person, man or woman, shall be considered a procurer (procuress) and punished with imprisonment for a period of from one to three years and with a fine of from 250,000 to 2,500,000 francs, without prejudice to the imposition of more severe penalties where applicable, who:

(1) In any way knowingly aids, abets or shelters the prostitution of another or recruitment for the purpose of prostitution;

(2) In any form shares in the proceeds of the prostitution of another or receives financial assistance from a person who habitually engages in prostitution;

(3) Knowingly lives with a person who habitually engages in prostitution;

(4) While in a habitual relationship with one or more persons engaged in prostitution, is unable otherwise to explain the source of the income corresponding to his or her manner of life;

(5) Entices, lures or initiates another person into prostitution, even if that person is of full age and has given his or her consent, or delivers that person to prostitution or to debauchery;

(6) Acts as an intermediary in any guise between persons engaging in prostitution or debauchery and individuals exploiting or remunerating the prostitution or debauchery of others;

(7) Hinders by threat, pressure, machinations or in any other way the work of the competent agencies in preventing, monitoring, assisting or re-educating persons engaging in prostitution or in danger of prostitution."

Article 324. "The punishment shall be imprisonment from a period of from two to five years and a fine of from 300,000 to 4 million francs in the event that:

(1) The crime was committed against a minor;

(2) The crime was accompanied by threats, coercion, violence, abuse of authority or ruse;

(3) The perpetrator of the crime was carrying a visible or concealed weapon;

(4) The perpetrator of the crime is the spouse, father, mother or guardian of the victim or someone invested with some degree of authority over the victim;

(5) The perpetrator of the crime was duty-bound, on the basis of his official functions, to participate in the fight against prostitution, the protection of health or the maintenance of public order;

(6) The crime was committed against more than one person;

(7) The victims of the crime were given over or incited to give themselves over to prostitution outside of the national territory;

(8) The victims of the crime were given over or incited to give themselves over to prostitution upon their arrival within the national territory or shortly after their arrival;

(9) The crime was committed by several perpetrators, co-perpetrators or accomplices."

Article 326, paragraph 3. "The perpetrators of the offences described in articles 323 and 324 may be required in the sentence to reimburse any possible repatriation expenses of those persons, men or women, whose prostitution they have

exploited or attempted to exploit or to the exploitation of whose prostitution they have contributed. In cases where these expenses have been advanced by the administration, they shall be recovered in the form of court costs."

Regarding the forced or mandatory labour to which women may be subjected, it should be pointed out that this practice is also unknown in Senegal, since, in article 20, paragraph 1, the Constitution establishes as a basic principle that "Everyone has the right to work and the right to seek employment. No one may be wronged in his work by reason of his origins, opinions or beliefs."

Guided by this basic principle, the Labour Code, in article 3, after declaring it prohibited, defines forced labour as "all work or service which is demanded of an individual under the threat of any punishment and for which that individual has not willingly volunteered".

This ban is sanctioned under article 249, paragraph 1, of the same Labour Code, which stipulates that "The following persons shall be punished with a fine of from 20,000 to 100,000 francs and with imprisonment for a period of from six days to three months, or with only one of these two penalties:

(a) Any person guilty of violating the provisions of article 3 on the prohibition of forced labour, and of article 113, paragraph 2, on the payment of wages in the form of alcohol or an alcoholic beverage;

...

(c) Any person who through the use of violence, threats, deception or promise coerces or attempts to coerce a worker into being hired against his or her will, or who by the same means prevents or attempts to prevent a worker from being hired or from carrying out the obligations required under his or her contract."

Finally, it should be noted that the practice of trafficking in persons has never existed in Senegal.

ARTICLE 7. WOMEN'S POLITICAL RIGHTS AND RIGHTS OF ACCESS TO PUBLIC OFFICE

The political or civil rights conferred on individuals by the fact of their citizenship are recognized and guaranteed without distinction in Senegal under the Constitution, which requires as the sole qualification that one be a Senegalese citizen who has reached his or her majority, possesses civil and political rights, and is not subject to any form of legal incapacity contemplated under the law.

Thus, the Constitution, in article 2, lays down as a basic principle that "National sovereignty belongs to the Senegalese people, who exercise it through their representatives or by means of referenda. No section of the people or any individual may lay claim to the exercise of sovereignty. Suffrage may be direct or indirect, but shall always be universal and equal. It shall be secret under the conditions established by the law. All Senegalese nationals of either sex who have reached their majority and who are in possession of civil and political rights are eligible to vote under the conditions stipulated by the law."

This constitutional provision establishes as a principle the right of women to vote in all elections and in all public referenda on a basis of equality with men. This principle is taken up and made more specific in article L1 of the Electoral Code (Law No. 76-96 of 21 August 1976, as amended by Laws Nos. 77-57 of 26 May 1977, 77-83 of 21 July 1977 and 77-95 of 17 October 1977), which stipulates

that "Senegalese citizens of either sex who have completed 21 years of age, are in possession of their civil and political rights, and are not subject to any form of legal incapacity provided for under the law are eligible to vote."

Article L3 of the same law identifies the cases in which Senegalese citizens lose their eligibility to vote, establishing that "The following persons may not be enrolled on the electoral list:

(1) Persons who have been convicted of a crime;

(2) Persons who have received an unsuspended sentence of imprisonment or a suspended sentence of imprisonment for a period of more than one month, whether or not accompanied by a fine, for one of the following offences: theft, fraud, abuse of confidence, embezzlement and misappropriation committed by public officials, corruption, influence-peddling, counterfeiting, falsification of documents, false testimony, violations of morality and, in a general sense, all offences liable to punishment in the form of imprisonment for a period of more than five years;

(3) Persons who have received an unsuspended sentence of imprisonment for a period of more than three months or a suspended sentence of imprisonment for a period of more than six months for an offence other than those listed in subparagraph 2 above, without prejudice to the provisions of Article L5;

(4) Persons found in contempt of court;

(5) Unrehabilitated bankrupts whose bankruptcy has been declared either by a Senegalese court or in a judgement pronounced abroad and enforceable in Senegal;

(6) Persons of full age who lack legal capacity;

(7) Convicted persons who, under the provisions of article 34 of the Penal Code, have lost their right to vote and to be elected."

The right to vote and to be elected, which as we have seen is a recognized right of Senegalese citizens of both sexes, is protected under the Penal Code, which provides for severe punishment when this right is interfered with by a citizen or a public official charged with supervising its exercise.

For example, article 103 of the Penal Code punishes, with a period of imprisonment of from six months to two years and with the loss of the right to vote and to be elected for a minimum of five and a maximum of 10 years, any citizen who, being responsible in a poll for the counting of the ballots containing the votes of citizens, is found falsifying these ballots either by adding to or subtracting from their true number or by entering on the ballots of illiterate voters names other than those which he has been asked to enter.

Article 104 of the Electoral Code considers the case of other persons guilty of the offences enumerated above and provides for their "punishment in the form of imprisonment for a period of not less than two and not more than six months, together with the loss of the right to vote and to be elected for a period of not less than two and not more than five years".

Finally, article 105 provides for "punishment in the form of imprisonment for a period of from one month to one year and a fine of from 20,000 to 100,000 francs for those who in any way tamper or attempt to tamper with a vote, violate or attempt to violate its secrecy, or change or attempt to change its outcome.

"If the guilty person is a public official in an administrative or judicial position, an agent or clerk of the Government or of a public agency, or an individual in charge of a public service ministry, the punishment shall be doubled."

Finally, it should be pointed out that the law governing organizations that involve elective offices makes no distinction on the grounds of sex in connection with the conditions for electability or unelectability. These offices are open to everyone interested in them, without any restrictions or distinctions as between men and women.

Regarding the right of women to participate in the formulation of State policy, it should be noted that all such policy is the outcome of a programme that is generally framed within the political parties.

Article 3 of the Senegalese Constitutiuon stipulates that the political parties should encourage the people to vote. They are called upon to respect both the Constitution as well as the principles of national sovereignty and democracy. Political parties are prohibited from identifying themselves with any race, ethnic group, sex, religion, sect, language or region.

Law No. 81-17 of 6 May 1981 regarding political parties states, in article 1, that "The political parties are required to be constituted in the form of Senegalese associations according to the provisions of articles 812 to 814 of the Code of Civil and Commercial Obligations. In addition, they are subject to the provisions of the present law."

Article 2 of this Law, which is concerned with the conditions governing the establishment of political parties, reintroduces the constitutional requirements of article 3 of the fundamental law, which must be clearly stated in the statutes.

Articles 812 and 814 of the Code of Civil and Commercial Obligations prescribe that:

- The association is to be formed freely with no formal requirement apart from that of a prior declaration and the registration of that declaration;
- The competent administrative authorities may not refuse the registration except for reasons of legality, specifically:
  - If the statutes are not in conformity with the law;
  - If the purpose of the association is illicit or contrary to the public order;
  - If the association implies the reconstitution of an association already dissolved;
- Reasons must be adduced for the refusal to register the association and this refusal may be appealed in an ultra vires suit before the Supreme Court;
- The purpose of the association must be precisely defined and must concern a single activity or related activities; in particular, associations other than the political parties or the groups attached to them must abstain from all political activity.

In this way, the formulation of State policy is based on the programmes of the political parties, to the formation of which there are no obstacles in Senegal and in which women are free to participate without any discrimination.

Regarding the right of women to hold public office and perform all public functions at all levels of government, here too the guiding principle has been laid down in the Constitution, which in article 20, paragraph 1, states that "Everyone has the right to work and the right to seek employment. No one may be wronged in his work by reason of his origins, opinions or beliefs."

In application of this principle, Law No. 61-33 of 15 June 1961 regarding the general statutes of public officials states in article 8 that "No distinction in the application of the present statute is made between the sexes, without prejudice to the special provisions that may be contemplated under the specific statutes."

Thus affirmed, this principle of equality between men and women in the right to hold public office and perform all public functions is rigorously implemented in Senegal in concrete situations. Thus, to mention a number of specific examples, one finds that:

- Within the Government of the Republic, since its last restructuring, women hold three ministerial portfolios;

- Within the National Assembly, more than 20 parliamentary seats are held by women out of a total of 120 deputies representing the nation;

- There are more than a dozen women in the Economic and Social Council, a consultative body of an economic nature;

- Women judges account for one quarter of the members of the Supreme Court (four out of 16);

- Women hold high executive positions in the agencies of government and at all levels;

- Women are admitted under the same conditions as men to institutions of a military character, such as the Military Health College and the Polytechnical School;

- The paramilitary services, such as the police and the customs agents, employ many women in command positions.

In summary, it may be stated without exaggeration that in today's Senegal no public office or function is taboo for women, who everywhere enjoy access to these positions without any impediments or obstacles.

On the question of the right of women to participate in non-governmental organizations and associations concerned with the public and political life of the country, it is fair to say that in Senegal women in fact represent the basis of these organizations and associations and are their most active members. There are more than 1,000 such organizations and associations operating in various areas of the public, political and economic life of the country.

ARTICLE 8. RIGHT OF WOMEN TO REPRESENT THEIR GOVERNMENT AT THE INTERNATIONAL LEVEL

The training of diplomats in Senegal is the responsibility of the National College of Administration and the Judiciary (ENAM), which for this section recruits men and women who hold a maîtrise (master's degree) in law, following a competitive

entrance examination. Accordingly, there is no discrimination at this level, where objective selection criteria are the rule.

Following their graduation from this national school, the new diplomats enter the service of the Ministry of Foreign Affairs, which assigns them to positions in its various central offices and to diplomatic posts abroad under a procedure entirely free of any sexually motivated considerations.

Moreover, it is gratifying to be able to note that at the Dakar chancellery the post of Director of Political and Cultural Affairs is held by a woman, who is discharging her duties with brilliance and to the satisfaction of all concerned.

On the question of the right of women to participate in the work of international organizations, this problem also does not arise in Senegal, for the reason that the delegations that represent our country at this level are led by men or by women, without distinction. To cite but one example, the Senegalese delegation to the United Nations Conference on Drug Abuse and Illicit Trafficking, held in Vienna, Austria, in June 1987, was headed by Mrs. Marie Sarr Mbodj, Minister of Public Health.

The same is true of numerous missions to international organizations throughout the world, all of which are led by women who are performing their work to everyone's satisfaction. This provides yet further evidence that being a woman is no obstacle to the ability to represent worthily one's country abroad.

ARTICLE 9. RIGHT OF WOMEN IN RESPECT OF NATIONALITY

Nationality is a bond of allegiance, both political and legal, which links an individual to a particular State and the counterpart of which is the enjoyment of the civil and political rights that make of the individual a citizen.

Under Senegalese law, the basis of nationality is the individual's simultaneous bond with the blood (jus sanguinis or "right of consanguinity") and with the soil (jus soli or "right of the soil"). Nationality may also be acquired by marriage in the case of an alien woman who marries a Senegalese national.

Finally, nationality can also be gained through an act of public authority or naturalization.

Senegalese law on nationality makes no distinction between the sexes as far as the conferral of nationality is concerned. This is why, when referring to the applicant, it speaks either of the individual or of the child.

For example, article 1 of Law No. 61-10 of 7 March 1961, in defining who is a Senegalese national, states that "Any individual born in Senegal of a first-degree ascendant also born in the country is a Senegalese".

In the event that one is unable to prove the birth in Senegal of the ascendant, the individual may acquire Senegalese nationality on the grounds of de facto possession, if said individual has continuously and publicly behaved as a Senegalese and has been continuously and publicly treated as such by the population and the authorities of Senegal.

Article 3 of the same Law specifies that "A new-born infant who is found in Senegal and whose parents are unknown is a Senegalese". Such a child, however, ceases to be a Senegalese citizen if while it is still a minor it can be shown to be the offspring of an alien and if, in accordance with the national law of that alien, it acquires his or her nationality.

Regarding the acquisition of Senegalese nationality through marriage, article 7, paragraph 1, of Law No. 61-10 states that "An alien woman who marries a Senegalese man acquires Senegalese nationality with the celebration of the marriage, subject to the right of the Government, within one year, to express its opposition in the form of a decree.

"However, if her personal law permits her to retain her nationality, the alien woman has the option, prior to the celebration of the marriage, to decline Senegalese nationality."

With respect to the consequences of a marriage between a Senegalese woman and an alien man, or of a change in the husband's nationality during the marriage, article 20 of the same law stipulates that "A Senegalese woman who marries an alien man does not forfeit her nationality unless she expressly declares her intention to do so before the marriage is concluded.

"This declaration is valid only if she is eligible to acquire the nationality of her husband."

In our view, the combination of all these legal provisions guarantees the woman, whether Senegalese or alien:

- The option of acquiring the nationality of her husband or of declining it if her interests so require;

- That she will not lose her Senegalese nationality because of her marriage with an alien or because of a change in her husband's nationality during the marriage;

- That she will not become stateless as a result of the marriage, since her declaration renouncing her Senegalese nationality is valid only if she can acquire the nationality of her husband.

Regarding the equal right of men and women to transmit their nationality to their children, this matter has been regulated by Law No. 61-10, which identifies Senegalese nationals. For example, according to article 5 of this Law, "The following are Senegalese nationals:

(1) A legitimate child born of a Senegalese father;

(2) A legitimate child born of a Senegalese mother and a father without nationality or of unknown nationality;

(3) A natural child when that one of its parents in respect of whom its filiation is established in the first instance is Senegalese;

(4) A natural child when that one of its parents in respect of whom its filiation is established in the second instance is Senegalese, and when the other parent is without nationality or of unknown nationality."

Article 8 of this Law makes available a right to opt for Senegalese nationality beginning at age 18 and until the attainment of majority to:

(1) A legitimate child born of a Senegalese mother and of a father of alien nationality;

(2) A natural child when that one of its parents in respect of whom its filiation is established in the second instance is Senegalese, if the other parent is of alien nationality.

Article 9 of the same Law, dealing with the case of the legitimated child, states that "A natural child, legitimated during its minority, acquires Senegalese nationality if its father is Senegalese. A child who has been legitimated through adoption acquires Senegalese nationality if its father is Senegalese."

Finally, article 10, supplementing the other provisions, stipulates that "The following become Senegalese nationals as a matter of right and on the same grounds as their parents, provided their filiation has been established in accordance with the law:

(1) A legitimate or legitimated minor child whose father or widowed mother acquires Senegalese nationality;

(2) A minor natural child if Senegalese nationality is acquired by that one of its parents with respect to whom filiation is established in the first instance, or, as the case may be, by the surviving parent."

These provisions do not apply to a minor married child.

As will be seen from this discussion, Senegalese legislation regarding nationality not only safeguards the rights of the woman in this area, but also and above all guarantees full equality between men and women in the transmission of nationality to their children, whatever the legal status of the latter.

ARTICLE 10. WOMEN'S RIGHT TO EDUCATION AND TO VOCATIONAL TRAINING ON A BASIS OF EQUALITY WITH MEN

When one examines Senegalese legislation regarding education and training, one finds that there is no place in it for discrimination of any kind.

Thus, article 16 of the Constitution places on the State and public organizations the obligation to create the prerequisite conditions and the public institutions to guarantee the education of children.

Article 17 of the fundamental law entrusts the task of educating the young to the public schools as well as to the religious institutions and orders.

Article 18 recognizes the right of these institutions and communities to open private schools with the authorization and under the supervision of the State in order to support the efforts of the public authorities in the work of educating the young.

In compliance with these constitutional provisions, Law No. 71-36 of 3 June 1971, designed to set the direction of educational policy in Senegal, and known as the National Education Guidance Act, lays down precise rules that in fact meet all of the Convention's concerns regarding women's access to education and vocational training and to participation in sports on a basis of equality with men.

Thus, article 1 of this Law states that "In terms of the present Law, the aim of national education is:

(1) To raise the cultural level of the population;

(2) To train free men and women capable of creating the conditions for their personal fulfilment at all levels, of contributing to advances in science and technology, and of offering effective solutions to the problems of national development."

Article 2 of the same Law establishes the principle of the democratic nature of Senegalese national education, which draws its inspiration from the recognized right of all human beings to receive education and training in line with their aptitudes and to participate in productive work in all its forms in accordance with their abilities.

Paragraph 2 of this article mentions the essential features of Senegalese national education, namely:

- The equality of all citizens amidst the diversity of their origins and beliefs;

- Freedom and tolerance;

- Secularism.

Article 4 of this same Law No. 71-36 provides for the permanent character of Senegalese national education, which is designed to offer all citizens the possibility of informing and training themselves for work in all sectors of public life with a view to broadening their knowledge and in this way improving their social status.

Article 5 of the Law makes it clear that these objectives flow from the two-fold intention to provide mass education as well as training for qualified production workers and key personnel at all levels, given the aim of acquiring the tools for the transformation of the environment and the society.

Finally, article 7, in a discussion of the various educational forms, states that "According to the individuals for whom it is intended and the objectives which it pursues, national education takes three principal forms:

(1) Education given to young persons of school and university age within the framework of the school and university strucutures: general education, technical education or vocational training, the purpose of which is the acquisition by the student of a certain level of theoretical and practical knowledge or vocational skills;

(2) Education given to women and to adults already engaged in some kind of occupational activity following a more or less extended period of schooling: education aimed at consolidating knowledge, at upgrading vocational qualifications, and at increasing the production capacity with a view to socio-cultural development;

(3) Education given to young people and to adults who have received no schooling, the purpose of which, through literacy training and other activities and promotional programmes, is to increase labour productivity and to make men and women receptive to other attitudes of mind."

It is clear from these legal provisions that the Senegalese public authorities have taken all the necessary material and human measures necessary to translate these objectives of the National Education Guidance Act into a concrete reality whose beneficiaries will inevitably be the men and women living in Senegal.

In this way, the conditions of access to vocational guidance and for the achievement of diplomas in educational and training establishments of all categories in rural as well as urban areas are equal for men and women and involve no distinctions on the basis of sex.

This equality is further ensured by the fact that all public education and training establishments are open to everyone desirous of acquiring general or technical knowledge.

The educational programmes as well as the examinations and services of the teaching staff are available to everyone attending Senegalese educational establishments, whether in urban or rural areas. The Senegalese educational system permits no distinctions based on the qualifications of the teaching staff or on school premises and equipment.

Mixed education is the only form recognized in Senegal. School or vocational training textbooks and curricula are common for all who attend the educational establishments. In this connection, it may be stated that Senegalese society is free of any stereotyped concept as to the roles of men and women, and this is true at all levels of the educational system.

The granting of scholarships and training fellowships is the responsibility of a national commission consisting of representatives of all the ministries, of the socio-professional organizations, and of the students' parents.

The criteria governing the awarding of scholarships and fellowships are based more on the idea of encouraging pupils and students to enter those areas of training for which there is the greatest national need than on any sexually motivated distinctions, which come into play at no point in the selection process.

As defined by the National Education Guidance Act, the permanent education programmes are the same for everyone, this also being true of the adult literacy training programmes, which are designed for all age brackets and provide the same instruction for men and women.

On the question of reducing the female student drop-out rate, the Senegalese public authorities, who are aware of this problem, have established an entire system designed to replace traditional studies by apprenticeship training in such activities as sewing, knitting, cooking and many others which are offered at centres specifically created for this purpose.

Sports activities are available to all who are interested. No discrimination of any kind in this area is possible in Senegal, where everyone is proud of the performance of girls and women in all areas of sport, whether as individuals or in teams.

Family welfare is one of the paramount concerns of the Senegalese authorities. For this reason, the Government has established, within the Ministry of Social Development, a Bureau of Family Welfare whose objective is in fact to make available to families and future couples the particular educational information they require to ensure their health and well-being.

The same mission is also carried out by the Mother-and-Child Protection Centres, which operate within the system of the Ministry of Public Health and whose services are similarly available to everyone seeking family welfare counselling.

ARTICLE 11. RIGHT OF WOMEN TO WORK, EMPLOYMENT AND SOCIAL SECURITY

The Senegalese authorities have always attached particular importance to the right to work, since the accession of Senegal to international sovereignty.

Thus, at the international level, by Decree No. 64-004 of 6 January 1964 the Republic of Senegal ratified International Labour Conventions Nos. 98 and 105, and by Decree No. 64-007 of 9 January 1964 it ratified International Labour Conventions Nos. 10, 12, 19, 52, 81, 89, 100 and 101.

Law No. 66-14 of 18 January 1966 authorized ratification of the following International Labour Conventions:

- No. 120, the Convention concerning Hygiene in Commerce and Offices,

- No. 121, the Employment Injury Benefits Convention,

- No. 122, the Convention concerning Employment Policy,

all adopted at Geneva in 1964.

At the national level, the first paragraph of article 20 of the Constitution lays down the principle that "Everyone has the right to work and the right to seek employment. No one may be wronged in his work by reason of his origins, opinions or beliefs".

The fifth paragraph of this article lays down that "Special laws shall determine the conditions of assistance and protection which society shall grant to workers".

This inalienable right of women, as human beings, to work is confirmed by Law No. 61-34 of 15 June 1961 concerning the Labour Code of Senegal, which in article 1 defines a worker as "A person, whatever his or her sex and nationality, who undertakes to place his or her occupational activity, in return for remuneration, under the direction of another individual or corporate body, public or private".

The same Law, in article 3, establishes the principle that forced or compulsory labour is prohibited, and defines this as "Any labour or service demanded of an individual under threat of some penalty, which the person concerned has not offered to undertake of his or her own free will".

The penal sanction for exacting forced or compulsory labour under article 249 of the same Code consists of a fine of 20,000-100,000 francs and imprisonment for a term from six days to three months.

Regarding employment opportunities and the application of the same criteria for selection in matters of employment, it can be stated that there is no discrimination based on sex in Senegal with regard to the choice of occupation, the only criteria used being those of competence and the capacity to do the work.

As for free choice of profession and employment, women face no hindrances in this regard and also enjoy the same rights in respect of promotion, job security and conditions of work, and the right to receive vocational training and retraining, on a basis of equality.

As far as the right to equal remuneration and equal treatment is concerned, this question is settled by article 104 of the Labour Code, which provides that:

"Under equal conditions regarding work, professional qualifications and output, remuneration is equal for all workers whatever their origin, their sex, their age and their status. No remuneration is due in cases of absence apart from those cases provided for by regulations, collective agreements or agreement between the parties."

Thus the principle of equal pay for equal work is affirmed in the Labour Code and, under article 85, is a mandatory clause which must appear in all collective agreements due for extension.

The right to social security is uniform for men and women in Senegal. Thus article 85 of the Labour Code, concerning collective agreements whose extension is being considered, provides in paragraph 11 that the organization, management and financing of social and medico-social services must be covered in a clause to appear in such collective agreements.

In addition, Law No. 73-37 of 31 July 1973 concerning the Social Security Code organizes very effective social protection on an egalitarian basis for men and women workers.

Thus article 1 of this Law provides that "A social security scheme is hereby established for paid workers covered by the Labour Code and the Merchant Navy Code", and article 2 entrusts the management of this to the Social Security Administration (Caisse de sécurité sociale).

The social security scheme has two sections:

- A family benefits section,

- A section for compensation for and prevention of industrial accidents and occupational diseases,

and will also cover such other aspects of social security as may be subsequently established for the benefit of the same workers.

With regard to the family benefits section, article 3 of the Law states that this is established for the benefit of paid workers covered by the Labour Code or the Merchant Navy Code with one or more dependent children residing in Senegal and entered in the official register of births, marriages and deaths.

According to article 6, a person with a dependent child is any person who assumes general and permanent responsibility for the accommodation, feeding, clothing and upbringing of the child.

However, according to the same text, a woman employee is considered as having children of her marriage who are dependent on her only if her husband is not engaged in any remunerated occupation.

Article 7 of the Law provides for family benefits for those dependent children of a paid worker who fall in one of the following categories:

(1) Children issuing from the worker's marriage provided that they have been entered in the official register of births, marriages and deaths and that the marriage was celebrated or registered by a registrar;

(2) Children who have been adopted in accordance with the law;

(3) Children of an unmarried woman employee whose natural filiation is established by voluntary recognition or by court decision;

(4) Children whose natural filiation is established both in respect of a married male worker and of his wife under the law.

Article 14 specifies that family benefits are subdivided into various allowances, as follows:

- Pre-natal allowances;
- Maternity benefits;
- Family allowances;
- Daily maternity leave allowances;
- Benefits in kind and any other benefit that may be established by law.

Article 15 provides that "The right to pre-natal allowances is enjoyed by:

- The wife of any male paid worker;
- Any unmarried female paid worker;
- Any female paid worker whose husband is not engaged in any remunerated occupation between the date when pregnancy is established and the date of confinement."

Pre-natal allowances are due for the nine months preceding the birth if a statement of pregnancy accompanied by a medical certificate is sent to the Social Security Administration within the first three months of the pregnancy.

Article 18 of the Law provides that "The right to maternity benefits is enjoyed by the wife of any male paid worker, any unmarried female paid worker and any female paid worker whose husband is not engaged in any remunerated occupation, who gives birth under medical supervision to a viable child entered in the official register of births, marriages and deaths.

"This right comes into being on the day of the birth and continues until the child's second birthday."

Article 20 of the text sets forth the following schedule for the payment of maternity benefits:

- Six months' payments at the time of the birth or immediately after the application for benefits;
- Six months' payments when the child attains the age of six months;
- Six months' payments when the child attains the age of 12 months;
- Three months' payments when it attains the age of 18 months;
- Three months' payments when it attains the age of two years.

In the case of a multiple birth, the birth of each child is regarded as a separate birth.

Article 21 provides that "Family allowances shall be paid to a worker for each child dependent on him aged more than 12 years and less than 15 years.

"The age limit is raised to 18 years in the case of a child serving an apprenticeship and to 21 years if the child is continuing his studies or if, as the result of an infirmity or incurable illness, it is impossible for him to perform paid work."

Article 24, which concerns daily maternity leave allowances, provides that, in accordance with the provisions of article 138, paragraph 6, of the Labour Code, a female employee who is pregnant has the right to daily allowances during her maternity leave within the limits of six weeks before and eight weeks after confinement.

The payment of daily allowances is subject to:

- Proof that the claimant is a paid worker;

- Production of a medical certificate establishing the pregnancy;

- Actual suspension of professional activity established by a notification from the employer;

- Production of a pay slip for the month preceding the month when the worker stops work.

Article 26 lays down that maternity leave may be extended by a maximum of three weeks in the case of incapacity to resume work as the result of an illness consequent upon the pregnancy or the confinement.

In this case, production of an attestation of non-resumption of work is necessary for the payment of the maternity allowance.

With regard to benefits in kind, article 31 of the Social Security Code provides that, in addition to the cash benefits provided for in the preceding sections, benefits in kind shall be provided to the worker's wives and children or any person who has the responsibility of providing the services exclusively for the care of the child. Such benefits, according to this text, are to be charged to a special fund maintained by the Social Security Administration, designated the Social and Family Health Assistance Fund.

Finally, article 32 states that, "in addition to the provision of benefits in kind, the social and family health assistance activities of the Social Security Administration shall be directed towards the provision and management of medico-social services and of social services".

Regarding the section of the social security scheme concerned with industrial accidents and occupational diseases, article 33, defining these, provides that "An industrial accident shall mean an accident, whatever its cause, of which a worker is the victim:

(1) As a result of work or during work;

(2) During travel from his residence to the place of work and vice versa, to the extent that travel was not interrupted or the normal route of travel departed from for a reason dictated by personal interest or independent of employment;

(3) During travel and removals the costs of which are to be borne by the employer in accordance with the provisions of the Labour Code."

With regard to occupational diseases, article 35, making reference to the schedule included in article 34, states that occupational diseases mean:

(1) Morbid manifestations of acute or chronic poisoning exhibited by workers habitually exposed to the action of certain noxious agents;

(2) Microbial infections when the victims have been habitually occupied in certain limitatively enumerated tasks;

(3) Infections presumed to result from an environment or particular postures necessitated by the performance of limitatively enumerated tasks;

(4) Microbial or parasitic ailments liable to be contracted during work in areas which are recognized as particularly infected.

With regard to the extent of the compensation, article 58 of the Code lays down that compensation is to be granted to the victim or his beneficiaries and is to include:

(1) Allowances made up of:

- Daily allowances paid to the worker during a period of temporary incapacity;

- A pension paid to the victim in the case of permanent incapacity or to beneficiaries in the case of a fatal accident;

(2) The payment or reimbursement of costs occasioned by treatment, functional rehabilitation, vocational rehabilitation and retraining.

As can be seen, the right of the worker in Senegal to social security, although limited at the present time in its scope, nevertheless takes into account the equality of men and women, the sole criterion for coverage being the fact that one is an employee.

Regarding equality of treatment in the area of invalidity or old-age pensions, we need only note that Law No. 81-52 of 10 July 1981 containing the Code Concerning Civilian and Military Pensions for the Retired makes no distinction between men and women in regard to entitlement to such pensions, the only criterion here also being the status of State servant having contributed to the National Retirement Fund.

The situation is the same in the case of the provisions organizing the Institution for Insurance and Pensioners of Senegal (IPRES), covering private sector workers.

The right to protection of health and to safety in working conditions is, as we have seen, guaranteed and protected by the Social Security Code (articles 31 and 32) for all workers, without distinction as to sex.

This right, however, is also recognized and effectively protected by the Labour Code.

Thus articles 158-163 of the Labour Code, relating to health and safety at work, provide various protection measures ranging from the establishment of a technical advisory committee to assist the Minister of Labour in connection with the study of questions related to this matter to the requirement for a medical service or a first-aid box at all places of work, at the employer's expense.

These measures are subject to the supervision of the Inspector of Work and Social Security, who has broad powers which may extend to penal sanctions.

With regard to discrimination against women on the grounds of marriage or maternity, Senegal, in the Social Security Code, as noted above, and in the Labour Code, as will be seen below, has established a comprehensive apparatus of rigorous measures for the protection of women employees at these two levels.

Thus article 8 of the latter Code permits married women exercising a profession or trade to join trade unions and participate in their administration or management without the authorization of their husband.

In addition, among the causes for suspension of work contracts provided for in article 57, one may note in paragraph 5 the rest period for women employees who are pregnant.

Article 85-8 lays down that collective agreements whose extension is being considered must include among the clauses "the particular conditions of work for women and young people in certain enterprises within the field of application of the agreement".

Article 136 establishes "the period of rest for women and young people at a period of 11 consecutive hours as a minimum" and, regarding night work for women and young people in industry, the text refers to the provisions of the Washington Conventions extended to Senegal by the Decree of 28 December 1937.

In connection with night work, Decree No. 70-1892 of 20 February 1970, determining the hours during which work is considered to be night work, lays down in article 1 that "all work performed between 10 p.m. and 5 a.m. is considered to be night work".

In this connection, article 141 permits the Inspector of Work and Social Security to require the examination of women and young people by an approved physician to verify that the work assigned to them does not exceed their strength. Such an examination must be required if those affected so request.

A woman or young person cannot be in a job which has thus been recognized as exceeding her or his strength, and must be assigned to a suitable job; if this is not possible, the contract must be terminated and the statutory indemnity in lieu of notice paid to the worker.

It is articles 138 and 139 of this Code which provide real measures of maternity protection for female employees.

Thus, article 138 provides that "A pregnant woman whose condition is medically certified or is apparent may stop work without giving prior notice and without being required for this reason to pay an indemnity for breach of contract.

"In connection with maternity, a woman shall have the right to stop work for 14 consecutive weeks including eight weeks after the date of confinement; such interruption of service may not be considered to entail breach of contract.

"Such suspension of work may be prolonged by three weeks in the case of duly certified illness arising out of pregnancy or confinement.

"Corresponding to this possibility for a pregnant woman to suspend her work contract for 14 weeks shall be an obligation on the part of the employer not to employ a pregnant woman during a period of four weeks before the anticipated date of confinement and six weeks after the confinement.

"This suspension of work may be preceded by an unpaid rest period the duration of which shall be fixed by the medical certificate attesting to the absolute need for rest.

"During the period of suspension of work, the employer may not give the pregnant woman notice of dismissal. She shall also be entitled during this period to special assistance provisions for the purposes of ensuring both her subsistence and the attention necessitated by her state under the conditions set forth in social security legislation. Any contrary agreement shall be automatically null and void.

"The above provisions shall be without prejudice to the application of articles 57 and 58 of this Code when, during the interruption of work referred to above, a duly certified illness arises, whether or not associated with the pregnancy or the confinement."

According to article 139 the mother has the right to breaks for nursing during a period of 15 months starting from the birth of the child.

The total duration of such breaks may not exceed one hour per working day.

During this period, the mother may leave her work without prior notice and without for this reason having to pay an indemnity for breach of contract.

As can be seen, Senegal, in spite of its limited resources, is sparing no effort to ensure special protection for women employees in connection with marriage or maternity.

It must be recognized that this still represents only a minimum and that labour legislation, which is perpetually changing, will continue to evolve in a direction favourable to women workers, married or unmarried.

ARTICLE 12. RIGHT OF WOMEN TO HEALTH CARE, INCLUDING CARE OF THE MOTHER AND CHILD

The health system of the Republic of Senegal is statistically based in that 95 per cent of the health-care facilities belong to the State.

The structure of the health services begins at village level, where there are dispensaries in which volunteer but officially recognized midwives assist women during pregnancy, confinement and the post-natal period, using traditional child-care methods.

In the village as centre of the rural community, there is also another health centre operated by a medical technician who is likewise able to assist pregnant women.

There is furthermore a health centre in the chief town of each district (arrondissement) operated by a medical technician and comprising a maternity unit with the necessary staff.

In the Departmental capitals there is a medical division operated by a doctor with a maternity unit and more comprehensive staffing. Reference should also be made to the availability at this level of mother and child protection centres which look after pregnant women and also children during their first 12 years.

In each administrative regional capital there is a hospital centre equipped with all facilities and capable of providing all the forms of treatment known to modern medicine.

With regard to the access of the public to these health facilities, it should be noted that up to hospital level all the basic care provided is free. In hospitals, a charge is made for treatment, but persons who can furnish evidence of their lack of means are exempted therefrom.

It should be pointed out that the success of the health-care policy in Senegal is due to the establishment some 10 years ago of the "Primary Health Care" system, which calls for a modest financial contribution by the patient, who is then sure of finding everything which he needs for his health.

All these facilities are available to the population as a whole, and there is no discrimination based on sex or considerations of a social nature.

Accompanying the right to health care, the Minister of Social Development has established in all administrative districts family planning centres supported by the Association for Family Welfare (ASBEF).

These centres supply advice and free contraceptives to all women so requesting.

In addition, mother and child protection centres are operating in all Departments on a non-paying basis. They care for pregnant women and give advice on child nutrition. They also supply medicaments and dietary products for nurselings.

ARTICLE 13. OTHER ECONOMIC, SOCIAL AND CULTURAL RIGHTS OF WOMEN

Senegalese legislation has created a system of free access to economic and social activities. Thus, the legal instruments governing commerce, industry and tourism make no distinction between men and women as regards access to the activities in question.

Regarding the conditions for the grant of family benefits, reference should be made to the developments described under article 11.

On the subject of the right to bank loans, this right is of course inherent in economic activities. Thus the banks and financial institutions operating in Senegal make no sex-based distinction in the grant of bank loans, the principal criterion being rather the matter of loan security enabling them to recover the funds lent.

For the right to participate in sporting and cultural activities, reference should also be made to the remarks on this subject offered under article 10 of this document.

What can be emphatically stated is that access to these various activities is in no way hindered in Senegal.

ARTICLE 14. ECONOMIC RIGHTS AND SOCIAL PROTECTION OF RURAL WOMEN

The public authorities in Senegal are highly conscious of the important role played by rural women in the economic and social development of the country, 80 per cent of whose population live and work in rural areas.

Thus, through the establishment of the system of community development for which they have opted, the competent authorities have ensured a preferential place for women in the form of their full participation in the drafting and implementation of development plans, at all levels.

For the access of women to health care, see the observations made above.

It is true that there is at present no social security programme for rural women. However, Law No. 71-37 concerning the Social Security Code does not exclude this possibility, which is indeed envisaged in the first article thereof.

Access to information and services regarding family planning is available to the rural woman, who can obtain them at all health-care centres.

On the basis of the philosophy emerging from the National Education Guidance Act, the public authorities have established, within the Ministry of National Education, a department responsible for eliminating illiteracy among adults and children who have not had the opportunity to go to school.

It is precisely women who derive great benefit from this method of teaching and distinguish themselves in this respect.

The public authorities have also established two technical and professional guidance institutions intended for women.

One of these is the Women's Technical Education Training School and the other is the National Rural Family Economy Training Centre.

Decree No. 67.855 of 17 July 1967 provides that the National Training Centre for Rural Economy Instructresses shall be responsible for:

- Training instructresses for the work of popularizing, in the rural milieu, the techniques of domestic economy and of small family farming;

- Co-operating with other bodies involved in all activities promoting the status of rural women.

Decree No. 65-649 of 24 September 1965 established the Women's Technical Education Training School, and entrusted it with the training of teaching staff responsible for:

- Giving instruction in the theoretical and practical aspects of women's technical education;

- Providing domestic and social instruction in first and second-cycle public educational institutions and in association with activities to promote the status of women;

- Co-operating with other bodies involved in all activities to promote the status of women.

Regarding the participation of women in co-operative groups, attention should be drawn to the fact that immediately after independence the Republic of Senegal opted for a system of consolidated community development for the rural population.

Thus, as a result of establishing a Ministry of Rural Development at that time, the public authorities have concentrated their efforts on building up a rural co-operation structure which has already proved its worth. It can be stated that women have here played a dominant role in that the legal instruments governing participation in co-operative activities exhibit no discrimination based on sex.

Along with these government-sponsored structures, Senegalese countrywomen have established other co-operatives which engage in small-scale production using traditional methods of commodity processing (palmetto, karite, wax, rubber), and these activities have also been successful. At present work is in progress on the establishment of a National Federation of Groups Promoting the Status of Women, and will be completed during 1987.

The foregoing indicates the extent to which women are taking part in all community, social and economic activities, sometimes taking the initiative in these fields.

Turning to the access of women to agricultural loans, it should be recalled that Senegalese banking legislation makes no distinction between the sexes for purposes of the grant of loans at this level, the criterion being the furnishing of security for repayment.

Law No. 64-46 of 17 July 1964 relating to the national patrimony and the decrees for its application have brought about a veritable land reform in Senegal. These legal instruments have resulted in the transfer to State ownership of all unoccupied lands, which can be placed at the disposal of those wishing to cultivate them, without discrimination between the sexes. The allocation of such land is effected by decision of the Rural Council, in which women have wide representation.

At present, Senegal is the country which displays the greatest concern for ensuring adequate living conditions for its people. Thus, an examination of the current low-cost housing programmes and the rural water supply and electrification programmes clearly indicates that by the end of the present century the population of Senegal will be the best housed in the subregion and the best provided with communications and telecommunications facilities. This will of course occur with the participation of women, who represent the basis of the family.

ARTICLE 15. EQUALITY BEFORE THE LAW - LEGAL CAPACITY - FREEDOM OF MOVEMENT OF WOMEN

The principle of the equality of men and women before the law is laid down primarily in article 7 of the Constitution, which provides as follows "All people are equal before the law. Men and women are legally equal. In Senegal there shall be no consideration or privilege by reason of place of birth, person or family".

This principle is translated into practical form by the right of any person to invoke the Senegalese courts and there to defend his or her rights when they are infringed.

Thus, article 2, paragraph 1 of the Code of Criminal Procedure provides that "civil action for the redress of harm caused by any offence shall be open to all those who have personally suffered from the harm directly caused by the offence".

Article 76 of the Code provides that "Any person who claims to have been injured by a crime or an offence may, in lodging a complaint before the examining magistrate, bring a civil action either by appearing personally or through the intermediary of counsel or by letter. That person shall either forthwith or subsequently state the amount of the redress demanded for the harm which has been suffered".

The legal capacity of women to enjoy and exercise these rights ceased to be a problem in Senegal even before independence, i.e. during the time when our country was subject to French rule.

By enshrining in the Constitution the principle of equality of men and women before the law, Senegalese national law has accorded women full legal capacity to carry out all the juridical acts necessary in civil life, without requiring any authorization to that end.

Regarding the administration of women's property, the Family Code in Senegal has identified three types of marriage settlement:

- The settlement whereby the administration of the wife's property is entrusted to the husband, who however may be relieved of this function if it is established that his management is placing the property in jeopardy, the relevant decision being reached by the judge to whom the wife shall have direct access;

- Joint management of goods and acquests, where husband and wife have an equal right to administer jointly (as opposed to separately) owned property;

- The separation of property system, whereby the wife freely administers her property without reference to the husband.

As regards women's freedom of movement, Senegalese Law No. 65-11 of 4 February 1965 amended by Law No. 81-19 of 6 May 1981 has abolished all restrictions on the freedom of all Senegalese citizens to enter and leave the national territory.

Regarding choice of domicile, it may be recalled that the domicile is the place of principal residence of the person concerned, who may fix it freely.

However, in respect of married women, article 13 of the Family Code enunciates the principle of legal domicile, and provides that "A married woman's domicile shall be that of her husband, or in the dwelling which has been assigned to her by the latter, except in the case of court leave to assume a separate domicile".

This principle ensues from another principle stated in article 152 of the Family Code, which provides that "The husband is head of the family. He exercises this power in the joint interests of the household and the children".

As a logical inference from this principle, article 153 of the Code lays down that "The choice of family residence shall lie with the husband; the wife shall be under an obligation to inhabit it with him and to receive him there.

"When the residence fixed by the husband represents dangers of a physical or moral nature for the family, the wife may exceptionally be authorized to have another domicile, assigned by the judge, for herself and her children."

This privilege granted to the husband of choosing the joint residence must be regarded as the exercise of a function having nothing to do with the former patriarchal authority which accorded all authority to the husband. The privilege is justified by the fact that when the choice does not suit the wife and there are serious grounds for her attitude, the judge may set the husband's choice aside and authorize the wife to have a separate residence.

This situation is explained by the change in the status of the obligation of the spouses to cohabit. Before 1977 article 332 of the Penal Code punished abandonment of the home by the wife, reflecting the principle of the husband's authority, which in no case allowed the wife to leave home without his permission.

Law No. 77-33 of 22 February 1977 changed this outlook, beginning with the revocation of article 332 of the Penal Code. It then introduced the offence of abandonment of the family, which affects both husband and wife as can be seen from article 350 of the Penal Code, drafted as follows:

"The following shall be punished by imprisonment for a term of from three months to one year and a fine of from 20,000 to 250,000 francs:

(1) A spouse (in the wide sense) who without serious grounds abandons the family residence for a period of more than two months and evades all or part of the moral or material obligations accruing from the marriage and from the parental authority; the period of two months may be interrupted only by a return home implying the will permanently to resume family life.

(2) A husband who without serious grounds abandons his wife for a period of more than two months, knowing her to be pregnant."

This new offence circumscribes the prerogative of the husband to choose the domicile, in that abandoning the home constitutes an offence on the part of the husband so doing.

As a concluding remark on this item it should be stated that Senegalese legislation relating to the choice of domicile by the husband must be considered in the light of several other instruments governing family life, and also of various factors associated with the legislator's options in the matter of the status of women.

Finally, it should also be pointed out that any human community based on the family must receive guidance, i.e. the initiative devolves upon one person in the first place, before being discussed by the others who may accept or reject it. It is above all this consideration which inspired the Senegalese lawmakers when designating the husband as head of the family.

ARTICLE 16. THE RIGHT OF WOMEN TO ENTER INTO MARRIAGE, TO CHOOSE A HUSBAND AND TO FOUND A FAMILY

Article 14 of the Senegalese Constitution contemplates marriage and the family as the natural and moral basis of the human community, and places them under the protection of the State which, together with public bodies, has the social duty to watch over the physical and moral health of the family.

Article 15 of the same text provides that "Parents have the right and the duty to raise their children. They shall be supported in this task by the State and public bodies.

"Youth shall be protected by the State and public bodies against exploitation and moral neglect."

On the basis of this constitutional principle, Law No. 72-41 of 1 June 1972, embodying the Senegalese Family Code, regulates in detail the institutions of marriage and the family.

Thus, the right to enter into marriage is formally recognized by article 100 of this text, which defines the institution as "the matrimonial bond which creates the family through the solemn union of a man and a woman in marriage. This bond is destroyed only by the death of one of the partners or by divorce. Separation of bed and board only reduces its effects".

Under Senegalese law, marriage may be preceded by engagement, which has been embodied in the Family Code, article 101 of which defines it as "A solemn agreement by which a man and a woman promise to marry each other".

However, although engagement is given legal effects, the lawmakers consider it as a purely optional formality, as specified in article 102.

Thus, articles 105 to 107, which lay down the effects, provide that:

- The duration of engagement may not exceed one year;

- The engaged partners are commited to maintaining a distance from third parties;

- There is no obligation as regards support, maintenance or assistance between the engaged partners;

- Any failure to meet one of the commitments may be referred to a court, which will determine whether it constitutes a legitimate motive for breaking off the engagement;

- The right to break off an engagement is accorded to both partners, and the break may, depending on the case, entail return of the gift received.

Thus, Senegalese law accords legal effects to engagement, which may be referred to a court.

Among the basic conditions laid down by the Family Code, several that have an important place in recognition of the union are consent to the marriage by the future partners and their parents, difference in sex, the viduity period for a widow or divorced woman and the absence of an undissolved pre-existing matrimonial bond for the woman.

Article 108 of the Code provides that each of the future partners in marriage, even if a minor, must personally consent to the marriage.

This consent by the future marriage partners is verified by the registrar responsible for the solemnizing ceremonies, at various levels:

- First of all, by deposit with him of the different items required for the file by each of the future marriage partners appearing in person, as provided for in article 115;

- At the time of completion of the standard form preparatory to the solemnization ceremony, enabling him to ensure, with the actual presence of the future marriage partners, who reply to the questions provided for by article 116 concerning consent, the dowry, the different options as regards the number of wives the man wishes to marry and the marriage settlement adopted;

- At the time of the actual solemnization ceremony, with the physical presence of the future marriage partners, so that the registry office official may ask them the basic question as to whether they wish to take each other as husband and wife, the reply to which must, according to articles 122 and 123 of the Code, be a YES.

Article 109 requires the consent of the parents for future marriage partners who are minors. This is explained by the black African concept of marriage in Senegal, according to which families play a preponderant role in establishment of the marriage bond.

The law requires that this consent should designate the future marriage partner to whom it is given and should be a concomitant to the marriage.

This problem of consent is so important that the Code provides for severe penalties. For example, the absence of consent by the future marriage partners is a grounds for absolute nullification of the marriage, which may not be covered (article 139). Refusal of consent by the parents may be overridden by a judge if it is not justified.

In article 111, the Family Code deals with the problem of the minimum age for the future marriage partners, which it fixes at 20 for the man and 16 for the woman. However, a waiver can be granted to either one by the President of the Republic for a compelling reason.

This problem of age is very important also in Senegalese legislation. Therefore, article 300 of the Penal Code makes intercourse with a married minor aged less than 13 an offence punishable by two to five years of imprisonment and five to 10 years if as a result the child suffers serious injuries or an illness, even if temporary.

As regards official registration of the marriage, the Family Code provides for several forms of recognition of the matrimonial bond.

Firstly, there is solemnization of the marriage, provided for in articles 115-124, which consists of the appearance of the future marriage partners at a solemn ceremony before the registrar to answer his questions directly and seal the union, which he will then officially register.

There is also certification of the marriage by the registrar, provided for in articles 125-128, under which the registrar, after having taken down the statements of the future marriage partners on the standard form, personally goes to the place of the ceremony to attend it and collect the signatures of the two witnesses of the parties, which will be reproduced in the official registers.

This formality has been retained in the Code out of respect for the Muslim rules of solemnization of marriage, according to which the future marriage partners are not admitted to the mosque, but are represented by their respective families.

There is also the late declaration provided for in article 147, in the case of which the future marriage partners who have not had their union either solemnized or certified by the registrar may appear within two months following conclusion of the marriage before this public official, in the presence of two witnesses on each side, to have the union officially registered.

Lastly, there is another type of late declaration which takes place after the period of two months provided for in article 147 has elapsed. This form is foreseen in article 87 and provides for a judgement of authorization of registration, according to which the judge, after having ensured, on the basis of statements by witnesses, that the procedure took place normally, authorizes the registrar to register the marriage.

All these formalities provided for by the Code demonstrate the concern of the Senegalese public authorities that marriages should be registered in the official register of births, marriages and deaths.

Once a marriage has been solemnized, it creates a series of mutual rights and duties between the marriage partners which are provided for in articles 149-151 and 375-376.

For example, the marriage partners commit themselves to a life in common and they owe each other respect and affection, faithfulness, and mutual care and assistance for safeguarding the moral and material interests of the household and the children. Furthermore, according to article 375, "Under all systems, the marriage partners undertake mutually and vis-à-vis third parties to attend to maintenance of the marriage and education of the joint children".

The marriage partners are assumed to have provided their daily share of the contribution without being required to render any accounts to each other nor to collect any receipts from each other. If one of the marriage partners fails to fulfil the obligation to contribute to the expenses of the household, its respect may be ensured by distraint.

Each of the marriage partners may alone conclude contracts relating to expenses arising from the marriage. The other partner answers jointly for debts thus entered into. This joint responsibility does not, however, hold in the case of expenditures that are obviously exaggerated by comparison with the standard of living maintained by the household or expenditures contracted with a third party in bad faith.

Article 376 states that if one of the marriage partners seriously fails in meeting the obligation to contribute to the expenses of the marriage and thereby jeopardizes the interests of the family, the judge may prescribe all urgent measures and, for example, prohibit the marriage partner concerned from performing acts disposing of movables or immovables without the consent of the other partner.

In addition, article 371 of the Code provides that both the wife and the husband possess full civil and legal rights. Their rights and powers are limited only by the law.

Lastly, article 374 of the Code provides that each of the marriage partners may open any deposit account and any securities account in his or her own name. The marriage partner carrying out the deposit is presumed vis-à-vis the party accepting the deposit to dispose freely of the funds and securities deposited.

As regards the freedom to space the births of joint children, the Code makes no provision, but it is clear that such a decision rests equally with both marriage partners.

As regards the acquisition and administration of property, it should be added that article 371, paragraph 2, provides that assets acquired by the wife in the exercise of a separate profession from that of her husband constitute assets set aside, which she administers and which are at her disposal under all the systems, pursuant to the rules of separation of property.

As regards the exercise of parental authority over the joint children, article 277 of the Code provides that this authority rests jointly with the father and the mother.

During the marriage, it is exercised by the father as the head of family. However, decisions taken by the father contrary to the interests of the child or of the family may be amended or cancelled by the court of the child's domicile at the request of the mother.

The mother exercises parental authority unless there is a decision to the contrary by the judge in council chamber:

(1) In the case of total or partial disqualification of the father to exercise the rights of parental authority, as regards the rights withdrawn from him;

(2) In a case where the father no longer acts as head of the family, being unable to demonstrate his desires owing to his incapacity, absence, distance or for any other reason;

(3) Where the father has been found guilty of neglect of the family;

(4) Where parental authority has been delegated to the mother.

Still according to this text, if the marriage partners live apart without the separation having been decided or certified by the court, the judge may, in the interests of the child and upon application by the mother or the public prosecutor's office, confer parental authority upon the mother.

Article 278 provides that the decision pronouncing or certifying divorce or separation of bed and board shall determine the guardianship of each child who, depending on what is best for the child, shall be entrusted to one of the parents or, if necessary, to a third party. The child's guardian shall exercise parental authority.

As regards divorce, the Family Code embodies one of the most liberal divorce laws in the world because it establishes two procedures for divorce.

First, there is divorce by mutual consent, provided for in articles 158 to 164 of the Code, which is based on a joint initiative by the marriage partners, who agree on all the terms relating to the children and joint property.

They then submit their request to separate to the judge, who determines whether all the legal conditions have been met and certifies the divorce by a decision prepared on the spot.

There is also the disputed divorce, provided for in articles 165-180, which in contrast to the former legislation is a divorce that could be termed a remedy to set free two individuals who at one time loved each other and have decided to forget each other forever.

This philosophy of divorce can be seen from the liberal nature of the grounds which either one of the marriage partners may give in the application for divorce addressed to the judge. Article 165 provides that each of the marriage partners may sue for divorce, basing the suit on one of the grounds admitted by the law.

Article 166 provides that divorce may be pronounced for one of the following reasons:

- Declared absence of one of the marriage partners;
- Adultery by one of the marriage partners;
- Sentencing of one of the marriage partners to a penalty affecting his or her person and honour;
- Failure to maintain the wife by the husband;
- Refusal of one of the marriage partners to fulfil the undertakings made with a view to conclusion of the marriage;
- Neglect of the family;
- Maltreatment, excesses, cruelty or serious injury or slander making a life in common impossible;
- Medically established permanent sterility;
- Grave and incurable illness of one of the marriage partners discovered during the marriage;
- Incompatibility of temperament making continuance of the matrimonial bond intolerable.

The procedure to be followed for disputed divorce reflects the greater freedom of the marriage partner filing the application, who then may take advantage of all grounds for appeal before higher courts open to him or her.

The effects are those provided for in the decision when it becomes final with respect to the marriage partners.

Lastly, it should be pointed out that the Family Code does not admit repudiation because it is considered to be humiliating for the woman, who finds herself abandored through the sole desire of the man.

As regards equality of rights and obligations of men and women as regards guardianship and wardship, Senegalese guardianship law, provided for in articles 305-334 of the Family Code, makes no distinction between men and women as regards designation of a guardian.

Thus, article 305 provides that a guardianship is open to:

(1) All legitimate children if the father and the mother have both died or are legally incapacitated;

(2) Natural children if filiation has not been established with regard to either parent;

(3) All children if legal administration has been converted into guardianship or if the only person able to exercise parental authority by designation of the law or delegation dies or has forfeiture of parental rights or legal incapacity imposed on him or her.

Articles 309 and 310 specify that the guardian may be designated either by will or by the board of guardians, but they make no distinction between the sexes in this designation.

As regards equality of rights and obligations of men and women with regard to adoption, it should be mentioned that this problem does not arise under Senegalese law, in which article 224 of the Family Code provides that adoption may be applied for:

- Jointly after five years of marriage by two marriage partners who are not living under separation of bed and board and at least one of whom is 30 years of age;

- By a marriage partner with respect to the children of his or her spouse;

- By any unmarried person who is more than 35 years of age.

Lastly, as regards the choice of a family name, article 7 of the Code provides that a married woman keeps her own name but acquires the right during the marriage and throughout a period of widowhood to use her husband's name.

A woman living under separation of bed and board keeps the use of her husband's name unless the judge decides to the contrary.

As regards equality in the choice of a profession, the problem is regulated by the Family Code in articles 154 and 371, which extend to women the right to engage in professions separate from those of their husbands. On the other hand, if the marriage partners are to decide on a joint activity, it goes without saying that this can be done only on a basis of equality.

In conclusion, it must be acknowledged that, responding in advance to all the concerns of the international community reflected in the Convention on the Elimination of all Forms of Discrimination Against Women, the Republic of Senegal has demonstrated that it was not mistaken in taking the concept of "woman as the essential complement to man" as the basis of its women's policy. In all instances, developments in the legal status of women in the world at large show that this was a rational choice.

Part Two

MINISTRY OF SOCIAL DEVELOPMENT

I. General social, economic, political and legal framework

Senegal, affirming itself as a State under the order of law, opted in its Constitution, which governs the general organization of the State, to rule out all forms of discrimination. Within this general political and legal context, the guarantee of fundamental human rights, as defined by the Universal Declaration of Human Rights and the African Charter of Human and People's Rights apply to women.

II. Legal measures adopted - consequences of ratification

The fact that the Convention has been ratified means that it can be applied in the case of disputes relating to discrimination against women. Therefore, a woman may invoke the provisions of the Convention before the courts.

One of the consequences of ratification has been elimination of discrimination against women in certain sectors (army, police).

III. Institutions and authorities responsible for ensuring compliance with the principle of equality

All the institutions and authorities of the State are as a general rule responsible for seeing to it that the provisions of the Convention are applied. However, more specifically, the Ministry of Social Development is responsible for ensuring respect of equality in all sectors of economic, social and cultural life.

Women who are victims of discrimination may turn not only to the Ministry for Social Development, but also to the competent Senegalese courts.

IV. Promotional methods aimed at the full development of women

Together with the Directorate for the Status of Women of the Ministry of Social Development, women's leaders help women to exercise their rights fully through information, awareness-raising and organization.

These tasks are carried out in the context of associations and groups of women by means of informal talks, debates and any other means of communication.

V. Constitutional, legislative and other provisions in force

Law No. 72-25 and Decree No. 72.1288 granted equal rights to women in the exploitation of lands in the national domain. The practical effect of these measures has been easier and broader access by women to use of the land. Statistics are not available, but it can be seen from actual conditions that, as regards land, women enjoy the same advantages as men.

ANNEXES

1.* Framework law on national education, No. 71-36 of 3 June 1971.

2.* Law No. 72-25 of 19 April 1972 on rural communities.

3.* Ministry of the Interior: Decree No. 72-1288 of 27 October 1972 on terms for the allocation and de-allocation of lands in the national domain comprised within rural communities.

4. Information note on the UNDP/ILO/UNCDF project SEN/82/004, Pre-co-operative women's groups in rural areas.

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* These documents were submitted in French by the Government of Senegal to the Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna and can be consulted in the Branch for the Advancement of Women

ANNEX 4

INFORMATION NOTE

ON UNDP/ILO/UNCDF PROJECT SEN/82/004

"PRE-CO-OPERATIVE WOMEN'S GROUPS IN RURAL AREAS"

February 1987

I. BACKGROUND

At the request of the Government of Senegal, UNDP, ILO and UNCDF agreed, beginning in October 1982, to associate themselves with the Ministry of Social Development, represented by the Directorate for the Status of Women, in implementing a project entitled: "Pre-co-operative women's groups in rural areas".

UNCDF assumed responsibility for financing the part of the project referring to "labour-saving equipment", which has thus far accounted for a contribution of around $US 1.5 million.

UNDP assumed responsibility for financing the parts of the project referring to "technical assistance", "training" and "operation and others", which have thus far accounted for a contribution of around $US 897,000.

Implementation of this project has from the outset received technical assistance from ILO (one senior technical adviser).

II. OBJECTIVES OF THE PROJECT

The objectives of project SEN/82/004 can be summarized as follows:

1. To facilitate the tasks of rural women by installing equipment making it easier to process essential agricultural produce;

2. To enable women in the groups to operate this equipment independently, efficiently and profitably;

3. To establish for the groups a network and system of mechanical monitoring ensuring the best possible conditions for maintenance and repair of the equipment;

4. To improve the income and living conditions of the members of the groups by developing and/or strengthening their traditional economic activities;

5. To train all the actors in the project so that they will have a perfect mastery of their respective responsibilities.

III. SCOPE OF THE PROJECT

During its first phase (October 1982 to April 1985), implementation of project SEN/82/004 related to emplacement of labour-saving equipment in three regions of the country (eight departments).

During the current, second, phase (May 1985 to March 1987), the project has attained a genuinely national scope by involving the seven other regions of the country (i.e. 22 further departments) through the emplacement of labour-saving equipment.

The number of women's groups involved in this emplacement of equipment is as follows:

PHASE I	PHASE II	TOTAL
120	347	467

The beneficiaries of this emplacement of equipment, taking into account only the members of the groups, account for a target population estimated as follows (number of members):

PHASE I	PHASE II	TOTAL
15,092	38,725	53,817

IV. ACTIVITIES AND OUTPUTS OF THE PROJECT

	AREA	ACTIVITY	OUTPUTS
1.	RESEARCH	Selection of groups that could benefit from labour-saving equipment	808 groups visited and [omission from original text]
		Study of requirements of groups in respect of labour-saving equipment	7 different types of labour-saving equipment decided on as suitable
		Call for bids	2 calls for bids issued (including 1 international)
		Study of bids	76 bids for equipment studied
		Testing of equipment submitted	14 equipment items tested on planned emplacement sites
		Placing of orders for equipment	39 orders for equipment placed (against UNCDF budget)
		Design of a prototype millet mill and organization of its local production	345 millet mill bodies produced by local black-smiths
2.	SUPPORT	Installation of labour-saving equipment in beneficiary groups	620 items of labour-saving equipment distributed
		Emplacement of decentralized stores of spare parts	27 departmental stores established
		Study intended to identify new activities for groups	111 groups surveyed
3.	TRAINING	Training of management committees of women's groups	1,400 women leaders trained in 3-day workshops
		Training of equipment operators	920 operators trained in 3-day workshops
		Training of leadership extension agents of the Ministry of Social Development	286 agents and leaders trained in 3-day work-shops
		Training of grass-roots leaders of women's groups	40 co-ordinators trained in periodical workshops

AREA	ACTIVITY	OUTPUTS
	Training of departmental mechanics responsible for monitoring and maintenance of equipment	38 rural mechanics trained in 10-day workshops
	Training of blacksmiths responsible for fabricating millet mill bodies	8 blacksmiths trained and given further training in 2 5-day workshops
	Production of training/ education manuals and guides	6 training manuals published; 2 education manuals published
4. FOLLOW-UP	Preparation of periodical balance-sheets and operating accounts of groups	95 balance-sheets and accounts published at the end of 1985 (in preparation for the end of 1986)
	Production of the different analysis, study and project documents relating to the current situation and future prospects of the women's pre-co-operative movement	12 different documents published in 1986

V. PROSPECTS FOR THE PROJECT

A third project phase, planned for the period April 1987 to December 1988, is now subject to negotiations with the UNDP office.

During this same period, it should be possible to mobilize joint ventures so that all the objectives that the project has set itself for the benefit of the most rapid possible development of the women's national pre-co-operative movement can be realized.